IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

Crl.Rev.Pet.No. 110 of 2007()

CRA.59/2004 of SESSIONS COURT, PATHANAMTHITTA
CC.179/2002 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

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REVN. PETITIONER: APPELLANT/ACCUSED

JOSE PHILIP,
THONAKKARA, KAMAKSHY P.O., KAMAKSHY, IDUKKI.

BY ADV. SRI.SHIJU MATHEW
SRI.RRAHESH KUMAR
SMT.A.K.SAJITHA

RESPONDENTS: RESPONDENTS/COMPLAINANT:

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1. ANSARI, S/O.PEERUMOIDEEN,
MEERAKANIPURAYIDAM HOUSE, KULASEKHARAPAHI,
KUMBAZHA P.O., PATHANAMHITTA.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. C. KAMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.R.P.NO. 110 OF 2007

Dated this the 8th day of January, 2007

ORDER

The petitioner has been found guilty, convicted and sentenced in a prosecution under Sec.138 of the N.I. Act. The cheque is for an amount of Rs.75,000/-. After indulgent modification of the sentence by the appellate court, the petitioner now faces a sentence of fine of Rs.75,000/- and in default, to undergo simple imprisonment for a period of three months.

2. Called upon to explain the nature of the challenge which the petitioner wants to mount against the impugned concurrent judgments, the learned counsel for the petitioner makes only one request. He submits that the petitioner may be granted some further time to make the payment and avoid the default sentence.

3. I am satisfied, in the facts and circumstances of this case, that the only request made by the learned counsel for the petitioner can be granted and the petitioner can be given reasonable time to deposit the amount of fine and avoid the

default sentence.

4. In the nature of the relief which I propose to grant, I am satisfied that it is not necessary to wait for issue and return of notice to the respondent/complainant in this revision petition.

5. In the result, this revision petition is dismissed; but with the observation that the default sentence shall not be enforced against the petitioner till 15/2/2007.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge